

City of Cabot Employee Handbook
SECTION 1
GENERAL

1.01 PURPOSE OF THE EMPLOYEE HANDBOOK

This Handbook is designed to acquaint you with the City of Cabot (hereafter referred to as “City”) and provide you with information about working conditions, employee benefits and some of the policies affecting your employment. You should read, understand and comply with all provisions. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

This Employee Handbook contains personnel policies and procedures for the City. These written policies should increase understanding, eliminate the need for personal and subjective decisions in matters of City policy, and aid in ensuring uniform application throughout the City. It is each employee’s responsibility to ensure these policies are administered in a consistent and impartial manner. The Employee Handbook is not all inclusive, and is only a set of guidelines. This Employee Handbook supersedes any previous handbook or unwritten policies.

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1.02 CITY INFORMATION

The City is a municipal corporation organized as a city of the first class under the laws of the State of Arkansas in 1891. Cabot operates under a mayor-council form of government. Cabot's governing body is the City Council consisting of eight aldermen. Two aldermen are elected from each of Cabot's four wards every two years. The Mayor of Cabot is elected every four years. The Mayor appoints City department heads to oversee the operations of each department. State law provides that the department heads serve at the will of the Mayor and may be terminated by the Mayor. The City is represented by a City Attorney. The 2000 census showed that Cabot was the 25th largest city in Arkansas with a population of 15,261. Cabot is located within the major metropolitan area of central Arkansas. Cabot is primarily a residential community with low crime rates, quality public schools, and many activities for youth. The City offers several services to its citizens such as police and fire protection, street maintenance, animal control, building inspection, code enforcement, district court, and general municipal services.

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1.03 EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

It is the policy of the City to grant equal opportunity in our employment practices, including selection, hiring, promotion, transfer, compensation, discipline, termination, and training to all qualified persons without regard to race, color, religion, sex, national origin, age, disability or any other characteristic protected by applicable laws. This policy is based on the same philosophy as the Equal Employment Act of 1964, that discriminatory practices are unjust and economically wasteful.

We offer an environment where all employees have the opportunity to reach their full potential and achieve their professional goals. This policy extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.

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1.04 POLICY AGAINST DISCRIMINATION

The City does not intend to discriminate against any employee or applicant. The term “discrimination” is defined by Black’s Law Dictionary as the unfair treatment or denial of normal privileges to persons because of their race, color, age, sex, disability, nationality, religion or any other characteristic protected by applicable laws.

The City believes it is an unlawful employment practice:

- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, national origin, age, disability or any other characteristic protected by applicable laws; or
- (2) to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual’s race, color, religion, sex, national origin, age, disability or any other characteristic protected by applicable laws.

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1.05 POLICY AGAINST DISCRIMINATION BASED ON DISABILITY

The City complies with the Americans with Disabilities Act (ADA) and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. The City also provides reasonable accommodation for such individuals in accordance with these laws. It is the City's policy to:

- (1) Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
- (2) Administer medical examinations, such as second-medical-opinion or fitness-for-duty exams, (a) to applicants only after conditional offers of employment have been extended and (b) to employees only when justified by business necessity,
- (3) Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files.
- (4) Provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would create an undue hardship on the City.
- (5) Notify individuals with disabilities that the City provides reasonable accommodation to qualified individuals with disabilities

Qualified individuals with disabilities may make requests for reasonable accommodation to their immediate supervisor or the Human Resource Director by using plain English to communicate a need for an accommodation. Whenever practicable, the request will be in writing. A request for an accommodation may be made by a representative of the employee or a family member. Whenever a request for a reasonable accommodation is made orally, or in the event at the need for an accommodation is obvious by virtue of the disability, the City will endeavor to reduce the request to writing, when practicable, to ensure the City has an accurate understanding of the request.

Upon receipt of an accommodation request, the Human Resources Department will make a determination in writing of whether the individual is qualified for a reasonable accommodation and may request medical or other verification in making that determination. The City will enter into an interactive process with the individual to address appropriate accommodation options.

The immediate supervisor and/or the Human Resources Director will inform the employee of the City's decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, the affected individual may request a review of the decision by the Mayor.

The Mayor will review all requests made after denial of an accommodation request and will notify the individual of the outcome of the decision.

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The City may consider a wide range of accommodations including modifications to job schedules, work sites, reassignment of non-essential tasks, breaks in work, and additional unpaid leaves. This list is not inclusive but is merely given as a starting point to begin an interactive process of selecting a suitable accommodation which addresses the disabled person's need consistent with the City's needs or limitations.

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1.06 POLICY AGAINST HARASSMENT

The City does not intend for its employees or applicants to be victimized by illegal harassment and will take reasonable steps to protect from illegal harassment. The term “harassment” includes, but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual’s race, color, sex, religion, national origin, age, or disability. “Harassment” also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic, or physical conduct of a sexual nature. The United States Supreme Court has said that harassment may be found when there is either explicit or constructive alteration in the terms and conditions of employment.

The City expressly prohibits its officials or employees from engaging in any form of unlawful harassment of employees based on race, color, religion, sex (including pregnancy), age, national origin, or any other classification protected by applicable discrimination laws. Furthermore, no employee of the City is to discriminate against any applicant or fellow employee on the basis of a disability or status as a covered veteran. This policy outlines the responsibilities and procedures for dealing with complaints of harassment.

It is every employee’s and official’s responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following should apply:

- a) An employee should report harassment or suspected harassment to the Department Head or Human Resources Director. If the Department Head is the alleged harasser, then the complaint should be reported to the Mayor or Human Resources Director. This complaint should be made in writing.
- b) Employees are under an affirmative duty to report harassment when they have knowledge it is occurring. Reports should be made in writing and sufficiently detailed to allow for a proper investigation. Supervisors are to ensure that where there is evidence or reasonable suspicion of harassment based on an illegal factor, a report should be made to the Director of Human Resources, or in the alternative, to the Mayor.
- c) Each complaint shall be promptly investigated based upon the circumstances of each case. A determination of the facts and an appropriate response will be made on a case-by-case basis.
- d) Any investigation will be performed as confidentially as possible and employees involved in an investigation as a witness are required to honor the confidentiality of the process.
- e) Employees reporting harassment will be told of the investigation findings and be given an opportunity to respond in writing.
- f) Employees reporting harassment should also report any further harassment or subsequent acts which they believe are taken as retaliation for having exercised any right under this policy.

Periodically, the City will provide opportunities for training of supervisors. Any employee who is unsure of the City’s policy regarding discrimination or harassment may contact his or her

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supervisor, the Human Resource Director, or, if necessary, the Mayor. Information about an employee's rights may be accessed through the Human Resource office.

All employees are encouraged to act responsibly and to recognize that false accusations of harassment can have serious effects on innocent individuals. Any employee found guilty of harassment shall be subject to disciplinary action, up to and including termination of employment.

The City will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

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1.07 AT-WILL EMPLOYER

The City is an at-will employer. This means that the City or any City employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

All city employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the City's at-will employment policy nor does it create an employment contract for any period of time.

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1.08 POLICY CHANGES

Authority for the administration of these personnel policies is delegated to the Mayor and these provisions supersede all existing policies and practices. They may not be amended or added to without the express written approval of the Mayor and City Council of the City.

No employee handbook can anticipate every circumstance or question about policy. As the City continues to grow, the need may arise to revise, supplement, or rescind any policies or portion of the Handbook. The City reserves the right to make any revisions, supplements or rescissions of these policies, from time to time as it deems appropriate, in its sole and absolute discretion without advance notice. Employees will, of course, be notified in writing of changes as they occur. The only policy which is not subject to change is the City's employment-at-will policy permitting you or the City to end our relationship for any reason at any time.

A copy of the Handbook will be kept for review at the Human Resource office, and the City Clerk's office. In addition, a copy of this manual will be issued to every City employee and each employee will sign a receipt and acknowledgement statement that they have received the Handbook or updates, understand its contents, and agree to the terms and conditions described in the Handbook and/or updates. Department Heads will make reasonable efforts to ensure proper distribution of the Handbook but in the event an employee does not receive one or cannot locate his or her copy of the Handbook, the employee should promptly contact Human Resources or the Clerk's office to obtain a copy. Failure to have a copy of the Handbook does not excuse the requirement that all employees follow the policies it contains.

Procedures and practices are constantly changing in the field of human resources and are subject to modification based on court rulings and changes in applicable laws. Employees can assist in keeping the City's personnel policies up-to-date by notifying the Director of Human Resources when problems are encountered or improvements can be made in administration of personnel policies.

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1.09 SEVERABILITY

Should any of the provisions of the Employee Handbook be determined to the contrary to federal, state, or local law, the remaining provisions of the Employee Handbook shall remain in full force and effect.

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SECTION 2 EMPLOYMENT

2.01 JOB POSTINGS/ADVERTISING

An application for employment will be accepted on forms provided by the City from anyone who wishes to apply. Application forms are available in the Human Resources Office.

In the event of a job opening, the position or positions open will be announced and posted at least ten (10) business days prior to the deadline for receiving applications. Copies of the job announcement will be distributed to City departments and as appropriate, to public and private employment agencies, local newspapers, and other sources that might recruit applicants. The City may opt to post a position internally only which will be posted for a minimum of five (5) days.

All vacancy advertisements will state that the City is an Equal Opportunity Employer. The closing date for accepting new applications will be included in all notifications.

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2.02 SCREENING AND SELECTION

Decision authority as to which qualified applicant is to be hired for a position rests with the Mayor, who may consult with or delegate to City supervisory personnel as necessary. Interviews will be conducted by the Mayor or such supervisory personnel as necessary.

The City relies upon the accuracy of information contained in the employment application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data will result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. Applications for full-time City employment will not be accepted from persons less than eighteen (18) years of age.

Applicants for police officers must meet the minimum standards set by Arkansas Law Enforcement Standards to be certified law enforcement officers, pass background investigations, pass written examinations, and/or physical or psychological evaluations which may be, from time to time, administered by or through the Police Department.

Applicants for firefighters must pass written examinations and/or physical evaluations which may be, from time to time, administered by or through the Fire Department.

All City employees who feel they are qualified for a posted position are encouraged to submit an application/resume with Human Resources and will receive full consideration during the process.

While the City will endeavor at all times to promote from within, it reserves the right to transfer or hire the person it deems to be best suited for the position. Transfers must be mutually beneficial to the employee and the City. Any requests to move from a position with a higher salary to a position with a lower salary will result in a reduction in pay, unless otherwise approved by the Mayor. If the employee received approval for a transfer, there will be no loss of benefits accrued. Once transferred to a new position, employees will enter into an orientation period for the new position.

Departmental moves will be made without regard to length of employment. Only those rare instances where two (2) employees are equally qualified will tenure be considered. The Police and Fire Departments include tenure as a small percentage of the deciding factors when evaluating personnel for a promotion.

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2.03 NEPOTISM

Relatives of persons currently employed by the City may be hired only if they will not be working directly for or supervising a relative. City employees cannot be transferred into such a working relationship. If the relative relationship is established after employment, the individuals concerned will decide who is to transfer or submit their resignation. If that decision is not made within 30 calendar days, management will decide. In other cases, where a conflict or the potential for conflict arises, even if there is not a supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. In all cases, the Mayor must approve all hiring of relatives.

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2.04 POST-OFFER PRE-EMPLOYMENT PHYSICALS

In addition to pre-employment drug screens, post-offer pre-employment physicals will be required for applicants for a certified law enforcement officer or any other safety-sensitive position which the City determines is necessary for protection of public or personal health and safety. Such examinations shall be paid for by the City and shall determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the City.

All medical files shall be maintained in the Human Resources Office along with any reports on whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision of the Department Head. An employee may begin work prior to the post-employment job offer medical examination, but employment is subject to an applicant's passing such examination.

Reports and records of all physical, psychological, and mental exams shall be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need for reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the City.

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2.05 ORIENTATION PERIOD

Every newly hired, promoted, or transferred employee goes through an orientation period in order to learn about the City and about his/her job. During this time the employee will have an opportunity to find out if he/she is suited to and likes his/her new position.

Additionally, the orientation period gives the employee's supervisor a reasonable period of time to evaluate his/her performance. The orientation period for non-uniform employees is ninety (90) days. Police and Fire Departments may have longer orientation periods as defined by their procedure manuals.

During this time, a new employee will be provided with training and guidance from his/her supervisor. Under appropriate circumstances, the orientation period may be extended. Additionally, as is true at all times during an employee's employment with the City, employment is not for any specific time and may be terminated at will, with or without cause and without prior notice. Provided an employee's performance is "satisfactory" at the end of the orientation period, he/she will continue in our employment as an at-will employee.

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2.06 WORK HOURS

Employees are expected to report to work punctually as scheduled and to work all scheduled hours. The City reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of Cabot. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the Department Head. Changes in work schedules will be announced as far in advance as practicable. The City designates its workweek to begin Saturday at 12:00 a.m. except for those employed in the Fire Department, whose workweek will begin on Sunday at 12:00 a.m.

Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active duty responsibilities during meal periods and will not be compensated for that time. The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating. If the employee is not relieved of all active responsibilities for at least twenty (20) minutes, then he or she will be compensated for that time even if part of the time was spent eating.

Hours of work shifts for police and fire employees will be in accordance with state statutes, federal law, and will be set by the Police Chief and the Fire Chief, subject to the direction and approval of the Mayor.

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2.07 ATTENDANCE AND PUNCTUALITY

Employees are expected to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive, and places an unnecessary burden on fellow employees, supervisors, City government as a whole, and the taxpayers who receive City services. Consequently, regular attendance and punctuality is considered to be an essential function of virtually all jobs with the City.

Employees shall report to their workstations in accordance with the rules established by their Department Head. Should an employee be unable to report to work on time because of illness or personal emergency, that employee should provide their supervisor with proper notice prior to the start of their scheduled hours or as soon as practicable. Unjustified or repeated absenteeism and/or tardiness will result in disciplinary action, up to and including termination.

“Proper notice” is defined by the City to be one (1) hour notice in advance of the time an employee should report for work. Department Heads may require up to two (2) hours notification in order to ensure adequate staffing. Such a requirement must be provided in writing to employees prior to implementation. However, in the event the employee is incapacitated because of a Family and Medical Leave Act qualifying event, notice may be provided to the City by an agent for the employee and may be provided by the employee as soon as possible under the circumstances.

An absence of an employee from duty, including any absence of one (1) day or part thereof (other than an absence authorized by this personnel handbook or by law), that is not authorized in advance by the Department Head or the employee’s supervisor should be deemed an unauthorized absence. Such absence shall be without pay and the employee will be subject to disciplinary action up to and including termination.

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2.08 TIMESHEETS/PAY PERIODS

Timesheets are to be kept by Department Heads who shall submit them to the Human Resources Office. Each non-exempt employee is required to complete a timesheet each day for all hours worked. Exempt employees are required to complete a timesheet each pay period showing use of leave. Employees sign the timesheets, in ink, each week or bi-weekly depending upon the employee's pay period. Timesheets will be completed in an accurate manner, signed by each Department Head or designated supervisor, and sent to Payroll by 12:00 p.m. Monday of each week or bi-weekly depending upon the employee's pay period. Human Resources will notify Department Heads of due dates for timesheets when holidays alter the regular payday. Altering, falsifying or tampering with timesheets will result in disciplinary action, up to and including termination.

Arriving early or leaving late for the employee's own convenience is not to be included in the working time and the employee is not to engage in work until the scheduled time. However, if any employee does perform duties during such intervals, the actual number of hours worked should be accurately recorded. If an employee is late, leaves early, takes a long lunch hour, etc., appropriate entries should be made on the timesheets.

Payroll checks are available to employees on Fridays (weekly or bi-weekly depending on the employees pay period) at a time designated by each Department Head so as not to interfere with effective departmental operations.

Payroll checks will not be issued between regular pay periods.

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor so that corrections can be made as quickly as possible. The City will not be responsible for fees assessed by a third-party should a payroll error occur causing an employee to receive their payroll later than accustomed. The City will not retaliate against an employee who points out a discrepancy.

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2.09 JOB DESCRIPTION

Prior to recruiting employees for any approved full-time position within the City, a written job description must be prepared and approved by the Mayor. Job descriptions will specify essential functions of the job and minimum qualifications required of the applicants.

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2.10 PERSONNEL FILES

The City maintains an official 'personnel file' on each employee. This file contains the employee's job application, resume, records of training, documentation of performance evaluations, salary increase information, disciplinary warning notices, letters of commendations, and other employment records.

Personnel files are the property of the City, and access to the information they contain is restricted. Employees who wish to have a copy of their own file should submit a written request to the Human Resources Office. With reasonable advance notice, the employee may review their own personnel file in the City's offices and in the presence of an individual appointed by the City. No other person (except the employee's supervisors, Mayor, City Attorney, and Human Resources) may see an employee's file unless a written request to examine is submitted to Human Resources.

The City will comply with rules governing requests for an employee's personnel record under the Arkansas' Freedom of Information Act (FOIA). Only that information specified in a signed release or required by law or by a court of competent jurisdiction will be released. The City will make reasonable efforts to notify an employee in advance of any request it receives to release personnel information. If the employee fails to promptly object to release of the information, the City will be entitled to a presumption that the employee waived his or her right to object.

The Human Resources Office will take reasonable measures to protect the privacy of current and former employee's data when responding to employment inquiries where FOIA exemptions apply.

Removal of any item from the employee's personnel file may only be done by the Mayor, responsible Department Head or Director of Human Resources.

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2.11 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the City of any changes in personal data. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. This is important in case the City must mail the employee any information that it feels the employee will need, such as “withholding” statements for the employee’s income taxes. Also, if there is any change in the employee’s marital status and/or name, the employee should complete the appropriate documentation with Human Resources.

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2.12 PERFORMANCE EVALUATION

To ensure that employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary. Consistent with this goal, an employee's performance should be evaluated by the supervisor on an ongoing basis. Cumulative evaluations are normally done annually.

The goal of all written performance reviews is to provide a two-way avenue of communication between a supervisor and an employee. The purpose is to help an employee improve performance and be aware of the city's reasonable expectations. It should be noted that a performance evaluation does not necessarily mean a salary adjustment.

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2.13 FITNESS FOR DUTY EXAM

Whenever required by business necessity to ensure that an employee does not pose a health risk to themselves or others, the City may require an employee to undergo a fitness for duty examination.

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2.14 USE OF CITY PROPERTY

Employees are responsible for all City property, keys, credit cards, materials or written information issued to them or in their possession or control. Employees must return all City property immediately upon request or upon separation of employment. Failure to do so will be considered theft of property and may be referred to the appropriate law enforcement agency.

Employees will answer City telephones by identifying his or her department and stating their name. Personal use of city-owned telephones and cell phones should be limited and calls should be brief. Employees will be required to reimburse the City for any charges resulting from his or her personal use of the telephone or city-owned cellular phone. The use of the City paid postage or facsimile machines for personal correspondence is not permitted.

City-owned Vehicles

Any employee who is authorized to drive any kind of City vehicle or operate his or her personal vehicle on City business whose license has been suspended for any reason whatsoever, for offenses while on duty or off duty, must notify his or her supervisor in writing immediately upon reporting to work the first business day following the day the employee received the notice. If not working that day, notification must be given by phone before the end of the business day; written notification must be given immediately upon reporting back to work.

Employees who are authorized to drive any City vehicle or their personal vehicle on City business who receive traffic convictions for any reason, in any vehicle, on or off duty, must notify their supervisor and/or Department Head within 14 calendar days of the conviction. Notification must be in writing.

It is the policy of the City of Cabot to prohibit personal use of City-owned vehicles except for commuting when the employee is required to take home the vehicle for the City's convenience. Personal use exceptions to this rule must be authorized in writing by the Mayor.

Per IRS regulations, the personal use of a City-owned vehicle is a taxable benefit (fringe benefit). Personal use includes the value of commuting to and from work in a City vehicle, even if the vehicle is taken home for the convenience of the City. The value of the fringe benefit must be included in wages and is subject to income and employment taxes. It is the employer's responsibility to determine the actual value of this fringe benefit and to include the taxable portion in the employee's income. The City uses one of two methods to determine the value of the vehicle provided to the employee: general valuation rule or commuting value (\$3-a-day rule). Employees will complete reports each month and provide to Department Heads. Department Heads are responsible for turning in reports at the end of each month to Human Resources on all employees required to take vehicles home.

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Under the \$3-a-day rule, employees will complete the Vehicle Personal Use Log form listing the number of times the employee has commuted in the vehicle. Personal use for commuting can be valued at \$1.50 each one-way commute if:

- Vehicle is owned by the City.
- City requires the employee to commute in the vehicle for the benefit of the City and not for the benefit of the employee.
- Personal use is prohibited (except for minimal use, less than one day a month)

Under the general valuation rule, employees will log the miles used for personal reasons and the total mileage for each month on the Vehicle Personal Use Log. Personal use is calculated as follows:

- Determine the annual FMV lease amount.
- Calculate a percentage of personal use.
- Multiply the personal use percentage by the annual FMV lease amount.

Clearly marked police and fire vehicles and unmarked vehicles used by law enforcement officers are “qualified non-personal use vehicles.” A qualified non-personal use vehicle qualifies as a working condition fringe and is therefore not taxable.

Pickup trucks equipped with at least one of following are not taxable: a hydraulic life gate, permanent tanks or drums, permanent side boards or panels that materially raise the level of the sides of the truck bed, or other heavy equipment (such as electric generator, welder, boom, or crane used to tow automobiles and other vehicles).

Cellular phones

The City provides certain employees with electronic and telecommunication equipment for use in the performance of their duties. These items are considered “listed property”. Because the nature of the property lends itself to personal use, strict substantiation requirements are in place. Employees are required to account for business and personal use by highlighting the personal calls on the monthly bill for three months. This will set the employee’s personal use percentage used for the duration of the employee’s possession of the phone. This percent may be monitored and is subject to change by Human Resources based upon usage as evidenced by the bill. If the employee wishes to recalculate their personal use percentage, they will need to submit that request to Accounts Payable and sign a new Cell Phone Personal Use Percentage form. Excessive personal use of the City’s cell phone could result in disciplinary action including but not limited to loss of cell phone privilege.

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2.15 DRUG-FREE WORKPLACE POLICY

Purpose and Goal

The City is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- As a condition of employment, this organization requires that employees adhere to a strict policy regarding the use and possession of drugs and alcohol.

Covered Workers

Any individual who is employed with the City, is applying for a position or is conducting business on City's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to full-time employees.

Applicability

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours.

Prohibited Behavior

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, intoxicants or other controlled substances.

Notification of Convictions

Any employee who is convicted of a criminal drug violation must notify the City in writing on the next business day of the conviction. The City will take appropriate action within 30 days of notification.

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Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be terminated from employment. Although violation of the policy will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

Assistance

The City recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they may have a drug and/or alcohol problem.
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Confidentiality

All information received by the City through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Report dangerous behavior to their supervisor.

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It is the supervisor's responsibility to:

- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.

Communication

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.

Testing

All applicants for employment who have been given a conditional offer of employment must submit to a pre-employment drug and/or alcohol screen. Failure to consent to or pass a pre-employment drug screen will revoke the conditional offer of employment.

All employees involved in accidents which result in more than insubstantial property damage or personal injury needing more than general first aid will be required to submit to a drug and/or alcohol screen. Failure to consent to or pass a post-accident drug screen will result in disciplinary action up to and including termination.

Whenever there is reasonable suspicion to require a drug and/or alcohol screen, an employee must submit to the test. To determine whether reasonable suspicion exists to require a drug test, trained personnel from the Police Department, or another designated trained employee, will review any suspicious circumstances upon request from an employee's supervisor or Human Resources. After receiving confirmation that the circumstances warrant testing, the Department Head or the designee for the Department Head will forward the reasonable suspicion form to the Human Resource Department. Failure to consent to or pass a reasonable suspicion drug screen will result in disciplinary action up to and including termination.

Employees hold positions of trust and are involved in service to the public. Because of the nature of public service, many jobs with the City are safety-sensitive. For all positions which are considered by the City to be safety and/or security-sensitive, employees will be required to submit to random drug screen testing.

Whenever an employee is required to submit to a drug screen, the City will refer employees to an approved testing facility, which will follow reasonable procedures to ensure accuracy of the test. Any employee who refuses to submit to any required test without a valid medical explanation after he/she has received notice of the requirement to be tested will be subject to immediate discharge. Refusal to submit to testing includes,

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but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.

Employees will be subject to disciplinary action, up to and including termination for violation of this policy.

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2.16 DRUG TESTING FOR HOLDERS OF COMMERCIAL DRIVER'S LICENSES

Implementation of Policy

It is the intent of the City to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all City employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow up testing. All CDL drivers must obtain from the City the City's written drug free workplace policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the City's Drug Testing Policy for Holders of Commercial Drivers Licenses and the Drug Free Workplace Policy. In addition, there may be other Local Governing Body ordinances and policies regarding drug and alcohol testing.

General Requirements

The City shall provide educational materials that explain the requirements of the U.S. Department of Transportation's (DOT) alcohol and drug testing program and the City's policies and procedures with respect to meeting those requirements.

The City shall ensure that a copy of these materials are distributed to each covered employee prior to the start of alcohol and controlled substances testing under the applicable regulations and this policy, and to each covered employee subsequently hired or transferred into a position requiring driving a commercial motor vehicle. This policy serves as written notice to all CDL drivers, and representatives of employee organizations, of the availability of the informational material referred to above. The City will require that each covered employee signs a receipt for these materials. The City will keep the original receipt and may provide the employee with a copy.

Person designated to answer questions.

To assist in understanding the requirements placed on both the employee and employer, the following persons will be available to answer questions about the alcohol and drug testing programs for those whose positions require Commercial Driver's License.

Director of Human Resources (501) 843-3566
City Hall
101 North Second Street
Cabot, AR 72023

The City will follow federal regulations regarding drug testing for holders of commercial driver's licenses. All employees covered under this policy will be given a copy of the federal regulations and will acknowledge receipt of the regulations. Further, copies will be available in the office of the Director of Human Resources.

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2.17 RESIGNATION/TERMINATION

Employees desiring to terminate their employment relationship with the City are urged (but not required) to notify the City at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's Department Head or supervisor. Proper notice generally allows the City sufficient time to calculate all final accrued monies due the employee for his or her final paycheck.

Upon termination, employees shall be compensated for any vacation and/or compensatory time earned as of the last day of employment. Unused sick leave will be paid upon retirement as approved by their respective retirement system at the conclusion of employment with the City. Unless otherwise required by law, employees will not be compensated for unused sick leave upon termination of employment. Human Resources will adhere to the leave balance on the books as of the employee's last day of employment. Also, the employee's vacation leave payout will be held until all city-owned property is returned. Fire department employees are expected to return all assigned property within ten (10) calendar days from their final day of employment. Failure of any employee to return City property will be considered theft of property and may be referred to the appropriate law enforcement agency.

Personnel dismissed for flagrant offenses such as theft, misappropriation, etc., will normally not receive a vacation payout. All non-exempt employees shall receive accrued compensatory time regardless of the reason for termination. Employees terminated from employment are not eligible for rehire.

Employees who fail to report to work for three (3) consecutive workdays without approval from a supervisor shall be considered to have abandoned their job effective at the end of their normal shift on the third day. The supervisor shall notify the Human Resources Director at the expiration of the third workday and initiate the paperwork to terminate the employee. Fire Department employees working 24-hour shifts will be considered to have abandoned their job after one (1) missed shift without approval from a supervisor. Extenuating circumstances will be considered such as an obvious inability to make a phone call. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire. Accrued compensatory time will be paid regardless.

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at-will, with or without cause, at any time.

Employees who plan to retire are urged to provide the City with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled to commence in a timely manner.

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2.18 REDUCTION IN FORCE (RIF)

A reduction in force may occur when there is a lack of funding, a reduction or elimination of an existing program or when downsizing of personnel becomes necessary for operating programs with greater cost efficiency. In the event that a reduction in force becomes necessary, all positions and personnel with the City may be re-evaluated by the Mayor and City Council so a decision may be made as to which employees and positions are to be retained. Employees will be given at least two weeks notification and all possible assistance in locating other employment.

The Mayor and City Council may establish weighted criteria using all or part of the following elements when determining which employees will be terminated.

- Performance of the individual based on percentage and quality of work assignments completed, attendance records, disciplinary memos and/or commendatory memos contained in personnel files.
- The nature of each position and employee relative to the overall success and survival of the organization.
- Long range projections for continued or renewed funding of specific City activities.
- Seniority of employment with the City.
- Other job related criteria.

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2.19 ARKANSAS WHISTLEBLOWERS' ACT

In accordance with Arkansas Code Annotated §21-1-603, the City shall comply with the Arkansas Whistleblowers Act. The City shall not take adverse action against an employee because the employee or a person authorized to act on behalf of the employee communicates in good faith to an appropriate authority:

- (A) The existence of waste of public funds, property, or manpower, including federal funds, property, or manpower administered or controlled by the City; or
- (B) A violation or suspected violation of a law, rule, or regulation adopted under the law of this state or a political subdivision of the state.

The communication shall be made at a time and in a manner which gives the City reasonable notice of need to correct the waste or violation. For purposes of policy, an employee communicates in good faith if there is a reasonable basis in fact for the communication of the existence of waste or of a violation. Good faith is lacking when the employee does not have personal knowledge of a factual basis for the communication or when the employee knew or reasonably should have known that the communication of the waste or of the violation was malicious, false, or frivolous.

The City shall not take an adverse action against an employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review. Nor shall the City take an adverse action against an employee because an employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of laws of the state or a political subdivision of the state.

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SECTION 3 CONDUCT

3.01 CONDUCT TOWARDS THE PUBLIC

Employees of the City shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his/her appearance, actions and statements are in essence those of the City. In dealing with the public, each employee must attempt to make his or her conduct one that inspires respect for both him/herself and the City and further, one that generates the cooperation and approval of the public. Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public as he/she would like to be treated: with courtesy, patience, respect and understanding. *This attitude or approach to public service cannot be overemphasized.*

When an employee is not certain of the correct response to an inquiry from the public, he or she should obtain such information before answering or should refer the questioner to the individual or the department that can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to give a wrong answer.

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3.02 REPRESENTING THE CITY

No employee may represent the City before the media or public unless specifically authorized to do so by the Mayor. Employees are expected to refer all inquiries and requests for presentations or comments to their supervisor. An employee may not use City letterhead for correspondence outside the City or for expressing a personal conclusion or point of view. When a City employee makes statements pursuant to their official duties, they are not speaking as citizens but as employees and are subject to restrictions. The City has a right to evaluate what is written by its employees for public dissemination to properly manage the City's operation. To avoid any questions or concerns for the employee, the employee should, whenever in doubt, submit the writing to the Mayor for prior review.

Should an employee wish to comment on a matter of public concern not relating to his or her official duties, the employee must always maintain a clear distinction in public expression, whether written or oral, between an individual viewpoint and that of the City.

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3.03 UNIFORMS/PERSONAL APPEARANCES

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Department Head. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Uniforms should not be worn during off-duty hours unless prior authorization is obtained from the Department Head.

Employees not required to wear uniforms should dress in appropriate professional department attire, avoiding extremes in attire in the office and while representing the City off-site. If an employee is not sure what constitutes appropriate attire, then the employee should check with his/her supervisor or Department Head.

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3.04 GUIDELINES FOR APPROPRIATE CONDUCT

An employee of the City is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, citizens and/or the City. Whether an employee is on-duty or off-duty, his or her conduct reflects on the City.

Types of behavior and conduct that the City considers inappropriate include, but are not limited to, the following:

- a) Falsification of City records;
- b) Violation of any City nondiscrimination and/or harassment policy;
- c) Soliciting or accepting gratuities in the course of work;
- d) Excessive absenteeism, tardiness, or any absence without approval;
- e) Unauthorized absence from the work station during the workday;
- f) Unauthorized disclosure of confidential information;
- g) Excessive, unnecessary, unauthorized or inappropriate use of City property;
- h) Violation of personnel or departmental policies;
- i) Unsatisfactory performance or conduct;
- j) Possession, distribution, purchase, sale, transfer or use of alcohol, or controlled substances in the workplace, while on duty, or while operating employer owned vehicles or equipment;
- k) Fighting or using obscene, abusive or threatening language or gestures in the workplace or violent acts;
- l) Boisterous or disruptive activity in the workplace;
- m) Theft or inappropriate removal or possession of co-workers or City property;
- n) Unauthorized possession of firearms or other dangerous materials on City premises or while on City business;
- o) Disregarding safety, health, or security rules;
- p) Insubordination or other disrespectful conduct;
- q) Negligence or other improper conduct leading to damage of City property;
- r) Untruthfulness of verbal or written communications, either with fellow employees or members of the public;
- s) Conviction of a felony, or the entry of a plea of nolo contendere to such crime;
- t) Sleeping during work hours (except as authorized at the Fire Department);
- u) Misuse of City funds;
- v) Intentionally creating conflicts among employees;
- w) Actions tending to create dissention or attempts to cast undue or unfavorable reflections upon a fellow employee; and
- x) Failing to treat fellow employees, citizens, and City officials with courtesy and respect.

Violation of any of these rules will result in disciplinary action up to and including immediate termination.

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3.05 DISCIPLINARY ACTION

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory, the employee may be subject to disciplinary action up to and including dismissal. Disciplinary action may include, but is not limited to:

- *Warning.* A warning is a verbal notification used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations.
- *Reprimand.* A reprimand is a written notification used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations.
- *Suspension.* Suspension involves the removal of an employee from his or her job for a period of time. Suspensions can be with or without pay depending on the circumstances for the suspension.
- *Demotion.* A demotion is an action that places the employee in a position of less responsibility and/or less pay.
- *Dismissal.* This type of disciplinary action is removal of an employee from City employment.

It is the City's policy that disciplinary action should be used to help an employee conform his/her behavior to the reasonable expectations of the City. In the ordinary course, a Department Head may use verbal warnings, written reprimands, or suspensions. In the event the employee fails to improve job performance, then the Department Head may recommend to the Director of Human Resources and/or the Mayor, demotion or dismissal from City employment. The severity of the offense will determine the type of disciplinary action issued. All written actions shall be signed and dated by the employee and Department Head. Department Heads may delegate the ability to issue disciplinary actions to a supervisor within their department.

In instances where the Department Head deems it appropriate to take immediate disciplinary action above a written reprimand, the Department Head is to suspend the employee immediately pending a determination through the Human Resources Director with final approval of the Mayor whether the suspension will be with or without pay and whether the employee will be terminated. When a Department Head suspends an employee under his or her supervision, the Department Head will make a prompt report of the reasons for the suspension to the Director of Human Resources and will make a recommendation regarding disciplinary action to be administered.

Department Heads should forward copies of all disciplinary actions to the Human Resources office to be maintained in the employee's personnel file.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above-referenced items or any other City policies, rules or regulations, an employee will be subject to disciplinary action, up to and including termination.

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3.06 INCLEMENT WEATHER/DISASTER POLICY

At times, severe weather and/or local disasters may disrupt City operations. Most City programs provide critical services to the citizens of our City and inclement weather or a disaster increases pressure on our citizens, which makes the services provided by the City more important. In the event that an employee is unable to report to work due to inclement weather or a local disaster, the absence will be charged to accrued vacation leave, compensatory leave or taken without pay unless otherwise approved by the Mayor. Public safety employees shall respond to emergency calls if the need arises. Regardless of the situation, an employee is expected to give his or her supervisor (or the supervisor's designee) proper notice if he or she is unable to report to work. In the event of a local disaster when an employee is not able to make contact by telephone due to conditions, the employee should physically report to their workstation. If their workstation is damaged or hazardous conditions prevent access to the building, the employee should report to the Cabot fire station #3 located at 3540 W. Main or the Cabot fire station #4 located at 240 Bill Foster Memorial Highway to provide their status. Department Heads are responsible for accounting of each employee within their department. In the event of a local disaster, Department Heads must notify the Mayor's Office of unaccounted for employees.

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3.07 SMOKING/TOBACCO USE

In keeping with the City's intent to provide a safe and healthful environment for both employees and citizens and in accordance with Ordinance 18 of 1993, smoking is prohibited throughout City workplaces, except in designated areas. Tobacco use is prohibited while in or on any Fire Department apparatus.

The Arkansas Clean Indoor Air Act prohibits smoking in enclosed areas of a place of employment including but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and/or employer-owned vehicles.

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3.08 VOTING/POLITICAL ACTIVITY

City employees can, should and are encouraged to participate in the election process so long as assistance to candidates is rendered on the employee's own time and City property is not involved. Employees are not to endorse candidates in their official capacity as City employees. The legal provisions can be summarized as follows:

- City employees are prohibited from engaging in partisan political activity during the hours they are performing work for, and being paid by the City or while wearing a City uniform.
- Political banners, posters or literature should never be displayed on or in any City office.
- Political bumper stickers or decals should never be displayed on or in a City car. City vehicles must not be used during or after working hours to promote or assist the candidacy of any person in any way.
- No City official (whether elected or appointed) shall enlist employees for any political purpose or use treats or coercion to require or persuade an employee to contribute to a particular candidate or cause.

City employees are encouraged to exercise their legal right to vote and, if necessary, reasonable time will be granted for the purpose.

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3.09 INTERNET AND E-MAIL USE

This policy covers the management of all electronic mail and Internet systems provided by the City. The City encourages the use of the Internet (including electronic mail) as an integral part of its overall operations. Use of the Internet is encouraged to:

- Provide an efficient method to exchange information within City offices, between local government officials and to the public;
- Provide sources of data to assist City employees in accomplishing their tasks;
- Provide the required familiarity with emerging technologies that is demanded of those with careers in the information technology field and within the public sector generally.

It is unacceptable for an employee to use, submit, publish, display, or transmit on the network or on any computer system any information which:

- Violates or infringes on the rights of any other person, including the right to privacy;
- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive or otherwise biased, discriminatory or illegal material;
- Violates the City policy prohibiting sexual or other harassment;
- Restricts or inhibits other users from using the system or the efficiency of the computer systems;
- Encourages the use of controlled substances or uses the system for the purpose of criminal intent;
- Uses the system for any other illegal, immoral or unethical purpose; or
- Places the City, its agents or employees in a negative, demeaning, or offensive light or is inconsistent with conduct guidelines contained herein including but not limited to, unacceptable conduct at 3.04, 1.04, 1.05 and/or 1.06.

Police department employees may utilize the internet for investigation purposes as authorized by a supervisor. E-mail is considered network activity; thus, it is subject to all policies regarding acceptable/unacceptable uses of the Internet, and the user should not consider e-mail to be either private or secure.

Because electronic messages are typically stored in one place and then forwarded to one or more locations, often without the specific knowledge of the originator, they are vulnerable to interceptions or unintended use. However, the City cannot be responsible for Web-based E-mail systems such as Yahoo, Juno, Hotmail, etc. City employees should always be aware of the risks associated with the use of all E-mail systems.

The electronic files, including E-mail files, of City employees are potentially subject to public inspection and copying under the state Freedom of Information Act("FOIA"), Ark. Code Ann. §25-19-101 et seq.

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The FOIA defines “public records” to include “data compilations in any form, required by law to be kept or otherwise kept... which constitute a record of the performance or lack of performance of official functions which are or should be carried out by a public official or employee [or] a government agency...” Ark. Code Ann. § 25-19-103(1). All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records. See Ark. Code Ann. § 25-19-105.

All relevant records retention policies and statutes must be followed, and it is the responsibility of each City employee to understand which of these pertain to his or her work.

The City does not maintain any E-mail backups. This responsibility lies with the user. If a user chooses to retain E-mail, that user must understand that all retained files and electronic messages are potentially accessible under FOI laws. E-mail messages of only transitory value should not be saved. In fact, the failure to routinely delete these messages clogs information systems and strains storage resources.

In order to properly maintain E-mail using Outlook Express, users must transfer any information they wish to retain in “Personal Folders” on their local hard drive. Users should then empty all messages from their Inbox, Sent Mail folder and Deleted Items folder. If a user needs assistance with this, he or she should contact their supervisor or the IT Administrator. Users should also empty their “Recycle Bins” on a regular basis.

Department Heads (or designees) may gain access to a City employee’s E-mail, Internet cache or files without that employee’s permission for any reason at any time. There is no individual right to privacy on employer computer systems. Passwords do not guarantee confidentiality.

All federal and state laws, as well as City ordinances, regulations and policies, are applicable to the use of computing resources. These include, but are not limited to, the Electronic Communications Privacy Act of 1986, 18 U.S.C. § 2510 et seq.; the Arkansas Freedom of Information Act, Ark Code Ann. § 25-19-101 et seq.; state and federal computer fraud statutes, 18 U.S.C. § 1030; Ark. Code Ann. § 5-41-101 et seq. and Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Part 160 and Part 164, Subparts A and E.

Further, illegal reproduction of software and other intellectual property by U.S. copy-right laws and by licensing agreements may result in civil and criminal sanctions.

Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law and should be related to City work. The federal Copyright Act at 17 U.S.C. 101 et seq. (1988) protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else’s ideas or writing and passing it on as one’s own).

Users may not copy or use City-owned or licensed software for personal reasons or unauthorized business purposes nor may those programs or data leave City premises without specific authorization from the Mayor.

City of Cabot Employee Handbook

As a representative of the City, employees have a responsibility to conduct themselves in an ethical manner. The following information suggests some areas where ethics issues will arise and provides some suggestions on how to deal with those issues:

- Data obtained inappropriately should not be used.
- Finding and reporting a system weakness is not a license to take advantage of it.
- Every user has a responsibility to do good work and to be accountable for that work.
- Organizations and individuals have rights to privacy.
- When the confidentiality of information is unclear, it should not be divulged.
- Electronic mail should be treated as privileged in the same manner as first-class U.S. mail.
- Use of personal information voluntarily provided, for purposes other than agreed to, is unethical.

Employee action or inaction contradictory to this policy, in part or in its entirety, may lead to disciplinary action up to and including termination.

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3.10 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of the employee's and the City's interests. This policy establishes only the framework within which the City wishes to operate. The purpose of these guidelines is to provide general directions. Employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact your supervisor or Department Head for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in the personal gain for that employee or for a relative as a result of the City's business dealings. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business. Personal gain may also occur when an employee or relative receives any kickback, bribe, substantial gift or special consideration as a result of any transaction or business dealings involving the City. For the purpose of this policy, a relative is any person who is related by first or second degree of consanguinity, or whose relationship is similar to that of persons who are related by blood or marriage.

No presumption of guilt is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to the City as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

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3.11 OUTSIDE EMPLOYMENT

Any employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

All outside employment must be reported by the employee and reviewed for potential conflict of interest. Any conflicting outside employment must be resolved to the satisfaction of the Mayor. Outside employment will present a conflict of interest if the employee is in a position to influence any business dealings between the City and the other employer or if the employment otherwise has an adverse impact on the City. City uniforms shall not be worn during outside employment unless approved in advance by the Department Head.

If it is determined that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain an employee of the City.

While an employee is on an FMLA covered leave or sick leave, he or she shall not be eligible to participate in outside employment for compensation.

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3.12 OUTSIDE COMPENSATION

No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the City for the performance of their duties as employees of the City without first obtaining approval of the Mayor.

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3.13 SAFE WORKPLACE

Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If an employee is not positive of which way is the safest, he/she should ask his/her supervisor or Department Head for the correct method.

Unsafe conduct is misconduct. The following safety rules should always be observed:

- a) Follow all departmental safety rules.
- b) Use all mechanical safeguards on or for employee equipment.
- c) Immediately cease using and report any faulty or potentially faulty equipment to a supervisor.
- d) Immediately report any unsafe or potentially unsafe working condition or equipment.
- e) Immediately report any and every accident to the supervisor or Department Head.
- f) In a motor vehicle accident in all cases involving property damage more than superficial, employees will contact police for a report and notify their supervisor.
- g) If an employee is on a prescribed medication that is labeled or if a medical person has warned the individual not to operate a motor vehicle or equipment, the employee will notify a supervisor and not operate equipment in conflict with the medical advisory.

All employees are issued the City Safety and Health Policy upon hire, which provides detailed safety regulations.

The City requires the safe use of its cellular telephones by employees while conducting business. For increased safety and upon request, the City will provide an earphone piece to employees that are issued a City-owned cell-phone and often drive during their workday. The City strongly encourages employees to limit the use of a cell-phone while driving a vehicle on City business. Preferably, the employee should pull off to the side of the road to make or receive a call.

Employees are encouraged to report violent, potentially violent or questionable behavior of co-workers, family members of co-workers, citizens, and/or vendors occurring on the worksite or while on duty to their supervisors. To lessen the risk of violence to employees, supervisors should take appropriate action including notifying local authorities if necessary, asking the disruptive person to leave the premises, and/or documenting and discussing the incident with the Department Head.

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SECTION 4 COMPENSATION

4.01 PAY PROVISIONS

Non-Uniformed employees. Employees who are non-exempt from the overtime provisions of the Fair Labor Standard Act will be entitled to an overtime premium. Whenever a non-exempt employee is suffered or permitted to work more than 40 hours of work in a workweek, the employee will be entitled to an overtime premium at the rate of one and one-half (1 ½) the employee's regular rate of pay or compensatory time at the same rate. Anytime the employee will work more than 40 hours in a workweek, the employee is to obtain supervisor authorization. Whether or not the employee obtains supervisor authorization, the employee must report the hours worked in excess of 40 during any workweek. There will be no hours worked by an employee that are not recorded and properly reported to the City. All hours worked are subject to compensation and it is the City's intention to properly record and pay for all hours worked.

Overtime is considered a condition of employment, and refusal to accept it when reasonable notice has been given is cause for discipline, up to and including termination. At the supervisor's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime. Further, prior to working overtime hours, the employee should have approval from the Department Head, or his/her designee.

Overtime premium pay may be made in the form of compensatory leave to the employee at the discretion of the Department Head. An accurate record of compensatory pay will be maintained by the City, with the assistance of the employee. Employees are expected to monitor the compensatory leave time record at each pay period in which compensatory time accrues. The compensatory time records of the City shall be final. Compensatory time should be scheduled in the same manner as vacation time. In the event the employee begins to accrue more than 80 hours compensatory time, the City, at its discretion, may require the employee to submit a plan for reducing the amount of compensatory time. Firefighters working 24-hour shifts may accumulate up to 240 hours of compensatory time.

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act will not be entitled to additional pay or compensatory time for any hours worked in excess of 40 per work week. Exempt employees will be paid a guaranteed salary without deduction for quality or quantity of work for absences of less than a full-day. Absences may be charged against accrued leave time.

If an exempt employee believes an improper deduction has been made to his/her salary, the employee should immediately report this information to his/her direct supervisor, or to Human Resources. Exempt employees will be paid a guaranteed salary without deduction for quality or quantity of work for absences of less than a full-day. Absences may be charged against accrued leave time. Reports of improper deductions will be promptly investigated. If it is determined

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that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

Uniformed employees. The City elects the 7k exemption under the Fair Labor Standards Act for law enforcement personnel to be scheduled to work up to 86 hours in a 14-day work period prior to earning overtime compensation. The City elects 7k exemption for firefighters to be scheduled to work up to 106 hours in a 14-day work period prior to earning overtime compensation. For non-exempt employees, no overtime compensation is required under the 7k exemption until the number of hours worked exceeds 86 in a 14-day period for employees engaged in law enforcement activities and 106 for those engaged in fire protection activities.

Uniformed employees who are exempt from the overtime provisions of the Fair Labor Standards Act will not be entitled to additional pay or compensatory time for hours worked in excess of 86 per 14-day period for law enforcement personnel or 106 per 14-day period for fire protection personnel.

For uniformed and non-uniformed employees, use of sick leave and accrued compensatory hours will not count towards hours worked for the purposes of calculating overtime and compensatory time. However, the use of vacation hours and holidays will count for the purposes of calculating overtime and compensatory time.

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4.02 CHRISTMAS BONUS

In December of each year, if the City is financially able, all full-time employees will receive a \$50.00 Christmas bonus, budget permitting.

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4.03 TRAINING

The Mayor may assign City personnel to attend various training courses, seminars and workshops. The City is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the City for various jobs, each employee has a responsibility of ascertaining for themselves that he/she has sufficient training to enable him/her to perform the job. If the employee feels that additional training is needed, he/she should notify his/her department head. These training activities are to be considered as part of the normal work of the City rather than leave. Regular pay and allowances apply. The City will pay the cost of the courses it requires. Expenses incurred with on-the-job training will be paid by the City. The City does not consider time spent in travel away from home outside of regular working hours as *passenger* on an airplane, train, boat, bus, or automobile as compensable hours.

City of Cabot Employee Handbook

4.04 TRAVEL

The City will reimburse employee per diem and mileage allowance up to the IRS allowable reimbursement rate in effect at the time of travel. In following this method of an accountable plan, reimbursements are excluded from the employee's gross income and are not reported on Form W-2.

Prior to any travel by a City employee, the Department Head must turn in a Request for Travel (CCT-1) form, including the Mayor's signature of authorization, to Accounts Payable at least 10 workdays prior to the departure date for in-state travel. The CCT-1 for out-of-state travel must be submitted at least 30 days prior to departure. All known and estimated costs associated with the travel will be annotated on the CCT-1. If approved, this form will be used to pay advanced registration fees, commercial air and lodging, if applicable. The Mayor or his designated representative will verify and authorize all travel. The Department Head must verify routine expenditures for travel reimbursements in support of an employee's normal duty day, with final approval by the Mayor or his designated representative. Employees who are required to travel in the fulfillment of their job are required to submit a Travel Expense Report (CCT-2) for reimbursement. Receipts for lodging, travel tickets/receipts, and receipts for other travel related expenditures, which were authorized on the CCT-1, must be attached. The CCT-2, with attachments, must be turned in to the Accounts Payable Department for verification within five (5) working days of the end of travel, certified by the employee's Department Head, prior to the Mayor's approval.

Mileage Allowance – Employees approved to utilize their personal vehicles on official City business/travel, during the month, will be reimbursed for actual miles as well as tolls and parking fees. Under no circumstances will fees for any kind of traffic/parking violation be reimbursed. Mileage, tolls, and parking fees incurred in connection with an overnight trip will be reported on the Travel Expense Report (CCT-2).

Lodging – A receipt for all lodging costs must accompany the Travel Expense Report (CCT-2). When possible, all lodging arrangements should be made and paid in advance by the City. Additional allowable charges paid by the employee will be reimbursed after submission and approval of the request.

Meals – Travel requiring an overnight stay (as authorized by the employee's supervisor) will be authorized per diem up to the current Federal rate. (Accounts Payable has a copy of the current rates.)

Transportation – Any required air travel must be arranged and paid by the City prior to departure. Exceptions must be approved in advance by the Mayor or designated representative. The Department Head must obtain prior approval for car rental from the Mayor. At all times, individuals should rent the most economical class size of car for the number of people traveling. Should a rental car accident occur, immediately contact the rental company, local authorities, your insurance company, and your supervisor. Use of cabs and shuttles are authorized but receipts must be turned in. Prior approval must be obtained by the Department Head from the

City of Cabot Employee Handbook

Mayor for the use of a personal vehicle for travel in lieu of public, commercial, or City transportation.

Travel for Days of Departure and Return – For both the day travel begins and the day travel ends, the per diem meal allowance is to be prorated by claiming $\frac{3}{4}$ of the per diem meal allowance. If traveling to more than one location in one day, the per diem rate for the area where stopping for rest or sleep will be used.

Travel Advance – The City is not authorized to pay travel advances.

Credit Card Usage – An employee's use of credit cards while on City business is considered a matter of personal convenience. Employees using such cards will be reimbursed for expenses in the normal manner and no obligation by the City to the credit card company is recognized.

No Show Charges - No show charges billed to the City are considered an expense of the employee unless provisions are made for a credit at a later date. A full explanation for the cancellation should be attached to the expense report.

Non- employee expenses - The Mayor may approve in advance the reimbursement of appropriate reasonable expenses by candidates during interviews or pre-placement activities. Employee reimbursement rules will apply.

Elected Officials - The Mayor will be the approving authority for all budgeted travel by elected officials. The Request for Travel (CCT-1), Travel Expense Report (CCT-2), and Automobile Expense Report (CCT-3) forms will be used. Only those expenditures relating to budgeted travel, as outlined above, are authorized and all employee reimbursement rules apply.

Travel During National Unrest - Special rules for times of international and national crisis including threats of terrorism, local unrest or war are provided below:

- Domestic travel should proceed as planned, following current guidance issued by the FAA regarding safety and security.
- All employees traveling during such periods should leave their supervisors with a detailed itinerary including flight information, destination contact information, cell phone number and updated emergency contact information prior to departure.
- Employee safety is of primary concern and will always be carefully balanced with business and job-related requirements.
- Employees who have particular concerns about traveling at a specific time or to a specific location should address their concerns with their supervisor.

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4.05 EDUCATIONAL ASSISTANCE PROGRAM

The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The Education Assistance Program is for employee(s) seeking undergraduate or graduate coursework from fully accredited institutions. The program encourages personal development through formal education so that employees can maintain and improve job related skills or enhance their ability to compete for reasonably attainable jobs with the City.

No tuition assistance will be provided for course work exceeding the equivalent of one year of postgraduate college work. The City will not pay for more than three (3) semester hours per semester.

Requirements:

1. A continuous full-time active employee of the City for a minimum of one (1) year;
2. Completion of the Education Assistance Program application form prior to attending the course;
3. Participation shall be restricted to off-duty hours and is not to interfere with the normal performance of the employee's duties;
4. Courses shall be limited to those that lead to improvement in job performance and/or apply to degree requirements related to the employee's current job duties or a foreseeable future position as determined by the Department Head. Course enrollment shall be limited to accredited institutions only;
5. Expenses paid by the City shall include TUITION ONLY. Reimbursement will be based on the following scale:
 - 100% tuition reimbursement for letter grade A
 - 75% tuition reimbursement for letter grade B
 - 50% tuition reimbursement for letter grade C;
6. Employees will be required to reimburse the City for expenses paid by the City in the event the employment is terminated, voluntarily or involuntarily, within the one (1) year of participation in the Educational Assistance Program; and,
7. Reimbursement by the City will be made when the participant provides an official transcript or grade report and tuition receipts to the Department Head showing the final grade and credits earned.

The City's tuition reimbursement program meets the requirements listed in IRS Code for an Education Assistance Program. Approval of reimbursement is provided by the appropriate Department Head, who will then notify the Finance Department of the amount of reimbursement and its eligibility as an undergraduate or graduate course. Employees eligible for other financial aid (scholarships, grants, etc.) will only be reimbursed for the difference between the amount received from the other funding source and the actual cost. While educational assistance is expected to enhance employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment or pay increases. In addition, the projected assistance expense to the City must be within approved budget limitations.

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4.06 WORKERS COMPENSATION

The City provides Workers' Compensation coverage including medical and salary continuation benefits to employees who are injured on the job. Injuries occurring while traveling to or from work or occurring away from the place of work during unpaid lunch or break time are not covered. All compensation under this plan shall be in accordance with applicable laws and policies.

Any employee injured on the job must contact his/her supervisor immediately regardless of severity or whether medical attention is required. It is the supervisor's responsibility to ensure all incident/accident reports are filed within 24 hours of the incident/accident unless the employee is incapacitated. Department Heads are to be verbally notified immediately of any such incident/accident. As well, the Director of Human Resources must be notified immediately.

The City will supplement workers' compensation benefits by providing employees required by a physician to be off work due to an occupational injury with a maximum of ninety (90) paid calendar days (8-hours) beginning from the date of the injury.

The City will disperse this time by paying 1/3 of the employees scheduled hours for ninety (90) calendar days. This amount should approximately equal the difference between the percentage paid by workers' compensation and the employee's regular salary based on scheduled hours. This should place the employee in a "full pay" status for a limited period. The City maintains discretion to terminate this supplemental payment as the circumstances warrant.

Employees injured on the job and entitled to Workers' Compensation benefits may utilize their accrued leave (annual, sick, comp) as a supplement to such benefits. Employees must complete an authorization form and submit it to the Human Resources Department. The City will, upon request by the employee, furnish records reflecting the amount of leave use and the amount accumulated. Vacation and sick hours will not be accrued once the employee is on leave without pay status, unless covered by FMLA. The combination of Workers' Compensation benefits and accrued leave shall not exceed the employee's normal earnings. Once an employee has been off work for thirty (30) continuous calendar days, uniform allowances will be discontinued until the employee returns to active status. If the employee chooses not to use accrued leave or has exhausted all leave, the payment will be reduced to the Workers' Compensation benefit after the ninety (90) calendar days.

Employees not admitted to the hospital the day of an injury but held after the end of their workday due to an examination by a doctor or evaluation at the emergency room may include up to six (6) hours to their timecard from the end of their shift. In all other situations where an employee is restricted from work following a work-related injury, the employee will list their scheduled work hours on the timecard in accordance with this policy.

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All appropriate claims for benefits must be processed through the City's Human Resources Department. It is very important for Workers' Compensation forms and other information to be delivered directly to Human Resources. Employees must have a completed written return-to-duty form from the physician specifying work-related restrictions, if any, upon return to work. It is the employee's responsibility to ensure that the Human Resources Department has the original copy of the initial notification, doctor evaluations, excuses from duty, and written returns to duty.

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4.07 RETIREMENT

All full-time, non-uniformed employees shall participate in the Arkansas Public Employees Retirement System (APERS). The City shall contribute at the rate designated by APERS. Employees hired after July 1, 2005 are required to contribute 5% of their wages to the plan (certain exceptions apply, see Human Resources for details). For additional information regarding the retirement system, employees are encouraged to read the APERS retirement booklet or contact the Human Resources Department.

All police officer and firefighter employees are covered by state statute and should consult their respective Department Head or the Human Resources Department for information.

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4.08 EMPLOYEE HEALTH BENEFITS

All full-time employees may participate in the City's group health plan. The City pays a portion of the premium for the employee or family coverage, as approved by the Mayor and City Council on an annual basis. It must be recognized that rates change from time to time, and employees will be apprised of any changes upon receipt of information from the City's health plan carrier.

An employee has thirty (30) days after his start date to apply for the health plan coverage or has the option to do so annually at open enrollment time. The months of November and December may be used as the City's annual open enrollment time or as otherwise designated. Additional information may be obtained from the Human Resources Office.

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SECTION 5 LEAVE

5.01 HOLIDAYS AND HOLIDAY PAY

The City will grant paid time off to all full-time employees on the holidays listed below:

| | |
|------------------------|-----------------------------|
| New Year's Day | January 1 st |
| President's Day | Third Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 th |
| Labor Day | First Monday in September |
| Veteran's Day | November 11 th |
| Thanksgiving Day | Fourth Thursday in November |
| Day After Thanksgiving | |
| Christmas Eve | December 24 th |
| Christmas Day | December 25 th |
| Employee's Birthday | |

The Mayor may issue an order granting additional days as holidays in observance of special events or for other reasons, with approval of the City Council.

Non-Uniform Employees

To be eligible for holiday pay, non-uniform employees are required to work their regularly scheduled workday preceding and following the holiday. An approved vacation or other excused and paid day off is considered a day worked for purposes of holiday pay eligibility.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a holiday that falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. Employees working on a holiday, except uniform police and fire, will receive pay for the number of hours worked at the appropriate rate in addition to the eight (8) hours of holiday pay. Paid time off for holidays will be counted as hours worked for the purposes of determining overtime.

If an employee works on their birthday or if the employee's birthday falls on a weekend, their birthday hours may be used at any time during the year prior to their next birthday. Employees may not accumulate more than eight (8) hours of birthday.

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Uniform Police and Fire Holiday Pay

In accordance with Arkansas Code annotated §14-52-105 and §14-53-106, all uniform police and fire employees shall be compensated for all legal holidays established by the governing body of the municipality. Effective January 1, 2005, in lieu of holiday pay, police and fire department uniform employees shall receive one lump sum payment annually in December on the same date as the December uniform payment is received.

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5.02 VACATION

All regular full-time employees, those who average at least thirty-two (32) hours per week, earn vacation leave. Vacation leave must be earned before it is used and may not be taken unless approved in advance by your supervisor. Non-work days such as holidays and regularly scheduled days off are not charged to vacation leave.

Vacation leave can be used in quarter hour increments. Employee may not borrow from future earnings and may not use vacation leave earned by other employees, unless approved for catastrophic leave. Employees continue to earn vacation leave at the normal accrual rate when they are *in pay status*.

Accrual rates change on the first day of the month following eligibility for the next higher accrual rate. Years of employment must be continuous. Service is established on completed years and months of service in a full-time, benefits eligible position.

Effective March 1, 2005, vacation leave will be accrued on a monthly basis. Vacation leave is posted and can be utilized at 12:00 a.m. the last day of the month. For example, on May 1, if an employee has only 1 day of vacation leave and it was carried over from April 30. The employee requests two days of vacation leave on May 20. The supervisor may approve only 1 day of vacation leave. Leave for May is not posted until midnight on the 31st day of May. Employees accumulate leave but cannot use leave for the first ninety (90) days of employment. No current employee will receive less leave under the adopted vacation policy than earned under the policy in effect in 2004.

Vacation leave is usually approved for employees when it least interferes with the efficient operation of your work unit and the City. To take vacation time, employees should request advance approval from their supervisor. Requests will be reviewed based on a number of factors, including deadlines, order in which requests are submitted, and staffing requirements. The City reserves the right to reschedule or deny vacation. Vacation is paid at the employee's base rate at the time vacation is taken. Vacation leave counts as hours worked for the purposes of calculating overtime.

Upon separation from City employment, employees will be paid for unused vacation time that has been earned through the last day of employment. See the resignation/termination section for exceptions.

The transition from an award system to an accrual system creates the circumstances of employees accruing vacation leave for 2005 in addition to receiving a pro-rated amount of vacation leave since their anniversary. To alleviate employees having to take extra amounts of leave in order to not lose it, the City will increase the vacation leave carryover amounts as stated in the new policy by one (1) week of leave. This sets the vacation leave carryover amounts in effect for December 31, 2005 only. Carryover amounts will be as stated in the policy thereafter. Excess hours at the end of each year may be contributed to the catastrophic leave pool. Extraordinary circumstances that prevent an employee from utilizing vacation will be evaluated by the Human Resources Director.

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Non- Uniform Employees

The rate earned for non-uniform employees per month is based on the Vacation Leave Accrual Table below. Employees do not earn vacation leave when on leave without pay for 10 or more cumulative scheduled calendar days within a calendar month.

| Non-Uniform Vacation Leave Accrual Table | | |
|--|-----------------|----------------|
| Years of Continuous Employment | Hours per Month | Hours per Year |
| Through 1 year (3-12 mos) | 4 | 48 |
| 1 through 2 years | 8 | 96 |
| 3 through 9 years | 10 | 120 |
| 10 through 14 years | 12 | 144 |
| 15+ years | 14 | 168 |

Although all vacation leave is cumulative, non-uniform employees cannot have more than 80 hours (10 days) accumulated on December 31st of each year. Accrued vacation leave may exceed 80 hours (10 days) during the calendar year, but those hours in excess of 80 will be forfeited if not used by December 31st of each year

Police Uniform

Police uniform employees shall be granted an annual vacation according to the chart below.

| Leave Accrual Police Uniform Vacation Table | | |
|---|-----------------|----------------|
| Years of Continuous Employment | Hours per Month | Hours per Year |
| 0 through 2 years | 11 | 132 |
| 3 through 9 years | 12 | 144 |
| 10 through 14 years | 13 | 156 |
| 15+ years | 15 | 180 |

Although all vacation leave is cumulative, police uniform employees cannot have more than 85 hours (10 days) accumulated on December 31st of each year. Accrued vacation leave may exceed 85 hours (10 days) during the calendar year, but those hours in excess of 85 will be forfeited if not used by December 31st of each year.

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Fire Uniform

Full-time firefighters shall be granted an annual vacation according to the table below. Grandfather clause: firefighters employed with the City continuously since July 1, 1995 or before receive credit for their PPC service.

| Fire Uniform Vacation Leave Accrual Table | | |
|---|-----------------|----------------|
| Years of Continuous Employment | Hours per Month | Hours per Year |
| 0 through 2 years | 14 | 168 |
| 3 through 9 years | 16 | 192 |
| 10 through 14 years | 18 | 216 |
| 15+ years | 20 | 240 |

Although all vacation leave is cumulative, fire uniform employees cannot have more than 120 hours (5 shifts) accumulated on December 31st of each year. Accrued vacation leave may exceed 120 hours (5 shifts) during the calendar year, but those hours in excess of 120 will be forfeited if not used by December 31st of each year.

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5.03 SICK LEAVE

The City provides paid sick leave to full-time employees for periods of illnesses or injury. Effective January 1, 2006, sick leave will be accrued on a monthly basis. Sick leave may not be used prior to accrual. Paid sick leave can be used in minimum increments of one-quarter hour (15 minutes).

Sick leave may be used due to the employee's own illness or injury or that of an immediate family member. The immediate family for the purposes of sick leave shall include parent, spouse, child and parental guardian. Employees who are unable to report to work due to illness or injury will notify their direct supervisor at least one (1) hour before the scheduled start of their workday, unless they are incapacitated by a FMLA qualifying event from so notifying. Department Heads may require up to two (2) hours notification in order to ensure adequate staffing. Such a requirement must be provided in writing to employees prior to implementation. Employees who are absent for three (3) or more consecutive days (two (2) or more consecutive, regularly scheduled shifts for the fire department personnel working 24-hour shifts) due to unconfirmed illness are required to furnish a certificate of illness from an attending physician to the Department Head and Human Resources Department. Employees using sick leave are not permitted to engage in outside employment, unless otherwise approved by the Department Head.

An employee will use vacation leave when sick leave has been exhausted. Earned sick and vacation leave accruals must be exhausted prior to going on leave without pay.

Non Uniform

All non-uniformed, regular full-time employees shall accrue sick leave at a rate of ten (10) hours per month beginning ninety (90) days after the date of employment. The first accrual will be received the first of the month following the first ninety (90) days of employment. If unused, sick leave for non-uniform employees may accumulate to a maximum of sixty (60) days or 480 hours. Those days in excess of 60 will be forfeited if not used by December 31st of each year.

Unused sick leave benefits will not be paid to employees while they are employed or upon separation of employment, except upon retirement. Upon retirement, if approved for retirement by the retirement system at the conclusion of employment with the City, employees will be paid up to thirty (30) days or two hundred forty (240) hours accumulated sick leave. Sick leave benefits will not be paid to employees during a period of scheduled vacation.

Police Uniform

All full-time uniform police employees shall accumulate sick leave at the rate of 13.5 hours per month beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of 720 hours. Those hours in excess of 720 will be forfeited if not used by December 31st of each year. Upon retirement, if approved for retirement by the retirement system at the conclusion of employment with the City, or

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death, if any police officer has unused accumulated sick leave; he/she shall be paid for this sick leave at the regular rate of pay in effect at the time of the retirement or death. Payment for unused sick leave in the case of a police officer, upon retirement or death, shall not exceed ninety (90) days salary.

Fire Uniform

All full-time firefighters shall accumulate sick leave at the rate of 20 hours per month beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of 1440 hours. Those hours in excess of 1440 will be forfeited if not used by December 31st of each year. Upon retirement, if approved for retirement by the retirement system at the conclusion of employment with the City, or death, if any firefighter has unused accumulated sick leave; he/she shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary. Unused sick leave shall not be used for the purpose of computing years of service for retirement purposes; however, it may be contributed to the catastrophic leave pool.

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5.04 ADMINISTRATIVE LEAVE

Administrative leave may be granted to employees, in addition to other leave types, and must be accounted for in the payroll system. Administrative leave will be paid at the employee's current rate of pay and will not be considered time worked for FLSA or overtime purposes. Leave can be granted for, but not limited to, the following:

- additional time worked by exempt employees;
- pending completion of an investigation or receipt of a disciplinary action;
- as determined by the Department Head.

A meeting will be conducted weekly and documented to the employee's personnel file. The meeting should have in attendance the Mayor, Human Resources Director, Department Head, and City Attorney to review the status of the administrative leave. The employee on administrative leave should provide a telephone number where they can be reached during business hours for the duration of the leave. The employee must respond within one hour of the phone call received during business hours or be subject to disciplinary action.

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5.05 FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act of 1993 requires public agencies to offer up to twelve (12) weeks of job-protected leave a year to eligible employees for certain family and medical reasons. For the purposes of this policy, a year is defined as twelve (12) months beginning with the first day taken under FMLA.

Eligible City employees may take up to twelve (12) weeks of unpaid leave (accrued vacation and sick leave must be used prior to going on LWOP) for the following reasons:

- the birth and care of the employee's child;
- the placement of a child into an employee's family by adoption or by foster-care arrangement;
- the care of an immediate family member (spouse, child, or parent) who has a serious health condition; and
- the inability of a city employee to work because of a serious health condition, which renders the employee unable to perform any functions of his or her job.

For the purposes of FMLA leave, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days (more than two regularly scheduled shifts for fire department employees on a 24-hour schedule) from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g. chemotherapy, physical therapy, dialysis, etc.).

Employee Rights Under FMLA

The City will maintain the employee's health coverage under any group plan during the time the employee is on FMLA leave under the same conditions as if the employee continued to work. Arrangements will need to be made for employees to pay their share of health insurance premiums while on unpaid leave at any time during the 12 weeks.

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Health insurance coverage may be cancelled if the employee paid portion of the health insurance is more than 30 days late.

An employee may choose not to retain health coverage during FMLA leave. However, when the employee returns to work, the employee is entitled to be reinstated on the same terms as prior to taking leave, without any qualifying period, physical examination, or exclusion of pre-existing conditions.

Upon return from FMLA leave, employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Employees are required to return to work the next working day after the expiration of their FMLA leave. Otherwise, the position will be declared vacant. An extension of leave may be discussed but only prior to the agreed upon return date of the employee.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

FMLA Eligibility

To be eligible for the FMLA benefits employees must:

- i) Be employed by the City for at least 12 months; and
- ii) Have worked 1250 hours over the previous 12 months preceding the leave request.

Requesting FMLA Leave

City employees are required to provide advance leave notice (at least 30 days) when leave is foreseeable (such as childbirth, adoption, or planned medical treatment). However, if emergency conditions prevent thirty (30) days notification, employees must notify their supervisor as soon as practicable;

The City requires a medical certification to support a request for FMLA leave because of a serious health condition. The employee is required to provide periodic reports during FMLA leave regarding the employee's status and intent to return to work. A fitness for duty report upon his or her return to work is also required. If there is a disagreement that occurs over the medical opinion provided by your physician, the City may require a second or third medical opinion (at the City's expense.)

Use of paid time will run concurrently with FMLA time. City employees must use all accrued leave (including vacation and sick) prior to going on a "without pay" status during the 12-week period of leave except in cases of maternity leave. Compensatory time is not required to be exhausted, but may be counted as part of the 12-week FMLA entitlement at the request of the employee. Holidays recognized by the City will not be counted against an employee's 12 weeks of FMLA unless the employee is scheduled to work on the day of the holiday. Any FMLA leave exceeding the total of 12 weeks will

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be subject to review by the supervisor and the Department Head. The City at this point has the option to terminate any employee if continual leave will interfere with the efficient operation of the City, unless otherwise precluded by law. Decisions regarding extended leaves will be made on a case by case basis. Employees on FMLA leave may not be engaged in outside employment, except as otherwise approved by the Department Head.

Spouses employed by the City are jointly entitled to a combined total of 12 workweeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider. In such cases, the employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

FMLA Example

An employee, John, has been told by his doctor that he will need back surgery. John notifies his supervisor as soon as he knows when the surgery is scheduled. John has the following leave balances: 120 hours of sick leave and 60 hours of vacation. He completes paperwork with Human Resources including a certification from his doctor. John is approved for 12 weeks (480 hours) of FMLA. John begins FMLA using his accrued leave and exhausts the 120 hours of sick leave, then the 60 hours of vacation totaling 180 hours. He has 300 remaining hours of FMLA leave, which he takes as unpaid leave. During the unpaid leave, John is responsible for getting his portion of the health insurance to Human Resources in order to maintain his health insurance.

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5.06 LEAVE WITHOUT PAY (LWOP)

An employee is placed on leave without pay status when he/she has exhausted all accrued leave. Employees shall not be granted LWOP for the purpose of other employment.

Supervisors are responsible for monitoring leave balances of their employees via the employee leave balance reports provided by the Human Resources Department. Supervisors should provide guidance to employees with low balances and document such discussions with the employee including attendance expectations.

Requesting LWOP

LWOP must be requested in writing and may only be approved by the Mayor. Failure to submit a request may result in disciplinary action up to and including dismissal.

- i) An employee must request LWOP from his/her supervisor as far in advance as possible. If circumstances prevent an advance request, the employee is responsible for making a request within two working days of the beginning of the leave period.
- ii) The Supervisor will forward the LWOP request to the Department Head.
- iii) The Department Head will recommend approval/disapproval of the request, and then present it to the Mayor.
- iv) The Mayor will approve/disapprove, in writing, all requests made for LWOP.
- v) The LWOP request/approval may not exceed six months.
- vi) No more than three (3) requests for LWOP will be considered on an employee in any 12-month period unless it is an FMLA qualifying event.
- vii) Employees with disabilities covered by the Americans with Disabilities Act may be entitled to additional LWOP as a reasonable accommodation.

The Mayor after consultation with the Department Head and Human Resources Director may grant a full-time employee a leave of absence without pay not to exceed ninety (90) days for non-medical purposes. Non-medical leave is unpaid leave time for personal or family situations and disaster relief efforts. Leaves related to personal or family situations may be granted after the employee's vacation accrual has been exhausted. An employee does not have to exhaust their vacation accrual for a leave of absence related to disaster relief efforts. Sick leave accruals may not be used for a non-medical leave of absence.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination. The City may accept satisfactory reasons provided by the employee in advance of the date to return to work and extend the leave period accordingly.

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Leave Accrual While On LWOP

An employee who accumulates ten consecutive or nonconsecutive days of leave without pay during one calendar month loses the leave accrual (annual and sick) for that month only. The annual leave that is lost due to the leave without pay is based on the rate of accrual authorized for that employee. In a situation such as above, uniform police and fire employees will receive an accrual consistent with the required minimum leave as mandated by A.C.A. §14-52-106 and A.C.A. §14-53-107.

Health Insurance While on LWOP

Employees may choose to maintain health coverage during the period of leave without pay. Employees who choose this option must pay the full cost (employee deduction and employer contribution) of the monthly premium. Employees on FMLA or military leave choosing to continue coverage must pay their portion of the premium only. The payment should be mailed or delivered to Human Resources no later than the 1st of the month by check or money order payable to the City. For extended periods of leave without pay, employees must enroll in COBRA to maintain their health coverage. Employees on FMLA or military leave are eligible for reinstatement to the health coverage even if they opted to cancel while on leave. If an employee has reason to believe he/she may be covered by FMLA, he/she should submit an FMLA request form to the Human Resources Department as soon as possible.

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5.07 COMPENSATORY TIME

An employee's ability to earn and the availability of compensatory leave are at the discretion of the Department Head. The overtime record of the Department Head/Human Resources shall be final with respect to the number of compensatory leave days earned by an employee. Compensatory leave should be scheduled in the same manner required for vacation days. Use of compensatory time does not count as hours worked for the purpose of calculating overtime.

In accordance with the Fair Labor Standards Act, the maximum accumulation for a non-uniform employee is 240 hours and the maximum accumulation for employees involved in emergency response is 480 hours. However, Department Heads may set a lower maximum for their department by notifying employees in writing prior to the effective date.

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5.08 MILITARY LEAVE

Military leave or re-employment of returning veterans from active service in branches of US Armed Forces will be in compliance with Arkansas Code Annotated §§21-4-102, 21-4-212 and 21-4-301 et seq. (as amended by Act 653 of 2003), and the Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 U.S.C. §§4301-4333).

City employees who are members of the U. S. Armed Forces are entitled to a leave of absence with pay for a period of fifteen (15) days plus necessary travel time for annual training requirements or other duties performed in an official duty status in any one calendar year. This equates to 168 hours per year for fire employees working 24-hour shifts, 127.5 hours per year for police department employees, and 120 hours per year for non-uniform employees. If unused, paid military leave may accumulate for a maximum of days available in any one (1) calendar year to be thirty (30) working days.

Employees called to duty in emergency situations by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted. Paid military leave shall be granted in addition to all vacation leave for which the employee is entitled. The maximum paid military leave an employee may use (including active duty and annual training) equates to 336 hours for fire employees working 24-hour shifts, 255 hours for Police and 240 hours for non-uniform employees. The employee may use the thirty (30) days of paid military leave in the same manner as other leave is used, i.e. equal to the number of their scheduled hours each pay period. The City will not payout the 30 days in a lump-sum payment.

The employee is not required to exhaust his/her accrued vacation and compensatory leave prior to the onset of military leave but may use accrued vacation and compensatory leave at their discretion. All unused vacation and sick leave at the time of military leave will be reinstated at the time the employee returns unless the employee elected to use accrued vacation leave. Upon return, the employee's vacation leave accrual rate, if based on years of service, will be calculated as though there has been no period of absence. The employee must attach a copy of his or her military orders to each request for military leave.

An employee may choose to continue or discontinue the city group health plan coverage during military leave by opting to have COBRA coverage. As with all active full-time employees, the employee will pay 25% of the monthly premium while the City pays the remaining 75%. Human Resources will prepare a payment schedule for health plan premiums, which will be sent by certified mail to the address listed in the employee's personnel file. The employee and/or dependents will be eligible for 18 months of coverage. However, the employee will not be covered for claims related to military duty. Prior to the commencement of military leave, the employee must inform Human Resources of their choice to continue or discontinue. If coverage was discontinued, the employee returning from military leave is eligible for reinstatement of his or her health plan coverage, for both the insured and family effective the first of the month following application.

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Per Arkansas Code Ann. §21-4-105, employees who have been rated by the U. S. Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled by the U.S. Department of Veteran Affairs to be reexamined or treated for the disability shall be entitled to a leave of absence with pay for a period not to exceed six (6) days for that purpose during any one (1) calendar year. The leave of absence shall be in addition to regular vacation and sick leave allowed to the employee.

The City will not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this policy, (2) has testified or otherwise made a statement in or in connection with any proceeding under this policy, (3) has assisted or otherwise participated in an investigation under this policy, or (4) has exercised a right provided for in this policy. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

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5.09 JURY DUTY/COURT LEAVE

Full time employees will be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to his/her supervisor a copy of the summons as soon as it is received. Proof of service must be submitted to the supervisor when jury or witness duty is completed. If the employee is excused from jury duty early or not required to be present in court, he/she is expected to be on the job.

The policy of paid leave does not apply to employees who initiate court proceedings on their own behalf.

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5.10 CATASTROPHIC LEAVE BANK PROGRAM

Our Catastrophic Leave Bank Program provides paid leave to City employees when the employee or an immediate family member requiring their care face a catastrophic illness and the employee would otherwise go on leave without pay. Employees enroll in the Catastrophic Leave Bank Program voluntarily by donating earned vacation and sick leave to a pool of leave for use by other eligible employees.

Regular full-time City employees must meet the following minimum requirements to be eligible for Catastrophic Leave:

- provide a certification from a physician documenting a medical condition requiring leave for a prolonged period of time for the employee or employee's immediate family member (spouse, parent, or child);
- participate in the catastrophic leave bank program including enrollment and the minimum contribution of eight (8) hours;
- a minimum of one year of service as a full-time employee;
- a minimum accrual of 60 hours (vacation and sick combined) at the beginning of the illness;
- employees must be, or reasonably expected to be, on leave without pay status;
- a letter must be provided from the employee's Department Head regarding any history of leave abuse; and
- employees must be enrolled for six-months prior to eligibility; however, extenuating circumstances will be evaluated on a case-by-case basis by the Catastrophic Leave Committee.

The Human Resources Department holds the responsibility to maintain the balance of the Catastrophic Leave pool and report it to the Catastrophic Leave Committee as requested.

Catastrophic Leave Committee

A committee (made up of four (4) participants in the Catastrophic Leave Bank Program) appointed by the Human Resource Director will review all requests and documentation and will decide whether to grant Catastrophic Leave. The City Attorney will serve in addition to the participants as a voting member of the Catastrophic Leave Committee. Leave granted may not exceed the later of 1) the date the employee or family member is released to duty (full or modified) by the treating physician or 2) the date of eligibility for disability benefits. Catastrophic leave cannot be awarded retroactively. The maximum award permitted is three (3) months until the leave bank is established with a balance of over 5,000 hours at which time the maximum may be increased to six (6) months in any two (2) year period beginning from the initial use of catastrophic leave. Applications for Catastrophic Leave will be reviewed on a first-filed, first-considered basis. Catastrophic Leave, which would result in a negative balance of the City's Catastrophic Leave Bank, will not be approved.

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Donations to the Catastrophic Leave Bank

An employees' leave donation cannot lower his/her combined vacation and sick leave balance below 80 hours, unless the employee is leaving employment with the City. All authorized contributions will be deducted from the employee's balance. Employees will not be allowed to join if unpaid leave was utilized to achieve the minimum balance of leave.

After enrollment, an annual four-hour contribution will be automatically deducted from accrued vacation and sick leave each December. If making the required four-hour annual contribution would cause the employee's combined vacation and sick leave balance to fall below eighty (80) hours, he/she will not be eligible for an award until the required four-hour annual donation is made. If in December of the following year, the four-hour annual contribution from the previous December is still unable to be donated, the employee will automatically be removed from the catastrophic leave program. The employee can reapply once their combined leave balance reaches a level in which the initial enrollment donation of eight (8) hours can be taken without causing the employee to fall below 80 hours. The only exceptions are employees who are awarded Catastrophic Leave or have been on FMLA and whose combined leave balances were above 80 hours at the onset of the illness or injury. These employees will not be required to make an annual donation for up to 6 months after their illness or injury. Donations to the Catastrophic Leave Bank are not tax deductible. Participation will continue until the participating employee requests termination of participation in writing. Enrollment and Catastrophic Leave Request forms are available from the Human Resources Department.

Requesting Catastrophic Leave

A participating employee who has exhausted all available leave time and who presents documentation of the ongoing illness from the treating physician may request additional leave time from the Catastrophic Leave Bank. Employees or their designees must file the following documents: Recipient Application and Physicians Certification. Forms should be presented to the Human Resources Director in time for review and consideration before an employee goes on leave without pay. Catastrophic Leave forms are available from the Human Resources Department. Any unused Catastrophic Leave will be returned to the program in the event the employee is terminated, retires, or returns to work prior to the expiration of the previously approved Catastrophic Leave period.

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5.11 FUNERAL/BEREAVEMENT LEAVE

Full-time employees may be granted up to three (3) days (one scheduled shift for fire department employees on a 24-hour schedule) absence with pay due to the death of a member of the employees' or spouses' immediate family. The immediate family for the purposes of this policy will include parents, siblings, spouse, children, grandparents, grandchildren and guardian. Any exceptions to this policy will be made only at the discretion of the Mayor. Employees will be paid their regular hourly rate for any excused absence that occurs during their normal workweek for the number of hours regularly scheduled to work on that day.

Travel time may be granted upon prior approval of the Department Head in addition to the three (3) days where travel time of more than eight (8) hours is necessary. The Department Head may grant unpaid funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

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5.12 LEAVE ABUSE

Supervisors may consider the following items when dealing with absentee problems:

- type and length of absence;
- the effect the absence has on the operation of the work unit or location;
- the frequency of absences;
- the duration of absences;
- patterns of absences; and
- proof employee's offer to show their absence was valid.

Reviewing patterns of sick leave usage provides a guide for supervisors when deciding if absenteeism is a problem. Although this list does not try to include every situation, it does provide examples of patterns for supervisors.

- Sick leave used on Fridays and Mondays, or the day before and/or after regularly scheduled off days (i.e. vacation or birthday)
- Sick leave used before and after holidays
- Sick leave used following pay days
- Vacation leave used because sick leave has been exhausted
- Repeated charging of vacation leave for tardiness
- Repeated use of leave without pay or leave accounting because all vacation or sick leave has been exhausted
- Use of leave at or about the same rate as it is earned
- Using vacation and sick leave in combination
- Use of any type of leave for illnesses because sick leave has been exhausted
- A high 'absentee percentage', i.e., days absent divided by days scheduled
- For Fire Department employees on 24-hour shifts, repeated use of sick leave on short pay periods with only 96 hours

Supervisors should carefully review the entire situation around absenteeism problems before acting. Consideration can be given to an employee who had a major disability, surgery, or medical emergency that depleted their leave balance. If the leave was covered under the FMLA, the supervisor should not hold that leave against the employee. Questions for consideration are: Is there a pattern of sick leave usage? Did our employee provide fully acceptable reasons for his or her absence? Is our employee fulfilling the requirement of a full-time employee?

Supervisors are expected to act swiftly when there is a clear pattern of leave abuse. When a pattern of sick leave abuse develops and the employee has been disciplined, supervisors may require a physician's certificate for sick leave, even when an employee has not used three (3) consecutive days, two (2) consecutive regularly scheduled shifts for fire department employees working 24-hour shifts. If the employee is unable to furnish this verification or if notification to the supervisor is not made in accordance with the leave policy, such absence will be unauthorized leave. Unauthorized leave is a violation of this policy, and will result in LWOP being charged to the employee.

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Use of other leave for illness is treated the same as sick leave when reviewing for absenteeism problems or requiring a physician's certificate.

Our first priority is to maintain the operation of the City. Every job is critical to making that happen; therefore, employees need to understand a full-time position means to attend often enough to perform one's duties on a full time basis.

Sick leave abuse or frequent absenteeism may lead to disciplinary action, leave without pay or employment termination.

Additional leave may be granted on a case by case basis.